

YORK TOWNSHIP

Special Meeting June 5, 2019

Trustees – Chairman William Pavlick, Richard Monroe, Todd Zieja
Fiscal Officer Margaret (Peggy) Russell

William Pavlick called the special meeting to order at 5pm for the purpose of review of the Invitation to Bid for the Collection, Transportation and Delivery for Disposal or Processing of Residential solid Waste and Recyclable Materials Generated in and Collected from Residential Units in York Township and Township Facilities. Trustee Pavlick led the Pledge of Allegiance.

Present:

William Pavlick

Rick Monroe

Todd Zieja

Peggy Russell

Beth Biggins-Ramer

Dennis Paul, Prosecutor

Dorothy Crouch

Ted Jaworski.

Dave Hull

Norm Hinman

Keith Hinman

Terry Gerspacher

Evelyn Kiner

Kathy Kunkler

Beth Biggins-Ramer, the Waste District Coordinator works under the Medina County Sanitary Engineer under Amy Lyons. Beth passed out the updated bid proposal draft incorporating the changes discussed at the last meeting. On page 14, we will fill in dates to begin the process of putting the bid out for trash hauling.

Step 1 will be to pass a resolution for advertising for the bid. If the Trustees are comfortable, we can pass that resolution at our next regular meeting on **June 27, 2019**. The legal ad will appear in the Gazette on **July 5, 2019**.

On Friday August 2nd, at 9 am. Trustee Pavlick will meet with Beth and the bidders at a mandatory pre-bid information gathering. It is not necessary to have an advertised meeting if Trustee Pavlick is the only trustee present. It is an opportunity for bidders to examine the documents and bring up any concerns. Beth will receive questions and craft answers, discuss and send back updated information to all bidders. For example if a question is raised regarding the 40 pound weight limit of bags, and the haulers would like to see this number reduced, Beth will find the answer from the Trustees and supply updated answers to all interested parties. This is the deadline when we must have all questions in. Some bidders will arrive with an entire list of preprinted questions and list of errors found in the bid draft.

On **August 16, 2019 at 3pm** will be the last day to submit a written request for information. Beth's office will field questions and any additional questions will be answered by **August 20, 2019**.

On **Wednesday September 4, 2019 at 6:30**, at the township complex, the Bid Submission Opening will take place. It is better if this does not occur at a regular meeting because the bidders like the opportunity to examine each other's paperwork. This meeting is only for the opening of the documents, no decisions will be made this date. The checklist of required documents will be examined to ensure all paperwork has been properly submitted. Once we read aloud and scribe the information, the bidder's look over the paperwork and close the meeting.

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By the regular meeting on **September 26, 2019**, Beth will do the submission and tally. Her office will write bid evaluations and recommendations based on the information received. The announcement of the successful bidder will be followed up by passing a resolution to award the contract. Fiscal Officer Russell asked if the prosecutor would provide the Resolution format for the meeting. Dennis Paul stated he would provide the resolution format for the meeting and the advertisement.

At this time, Republic has been in the news media for not picking up trash in several communities. Norm Hinman asked what if this scenario happened to the company that wins the bid? Prosecutor Paul stated all you can do is put in penalties for not picking up the trash. The township has the ability to enforce penalties. Any of the contractors in the trash hauling business can run into trouble with employees and equipment. Sketchy business will not be recommended for contract. Section 8.2 of the bid lists the penalties that may be levied. Section 9 deals with the sureties and revenues that breach of contract causes. The formula for fines under the performance bond is painful, as the company can be fined per street (\$250) and (\$50) per street address for offense. The township gets the penalty money and these revenues could be used to find a replacement hauler to complete the work. There is a formula under the performance bond based on the number of residential units that is in place to protect everyone if we need to pull that trigger. Prosecutor Paul said it is a good pot of money to waive in front of another contractor to pick up the default.

Deadline and implementation – Once the award has been announced a 10-14 day window will allow Beth to have the execution document back to us at a **Special meeting Thursday, October 10 at 5 pm** at the administration building, along with initial implementation plan. The implementation schedule will have milestone dates for going forward. I.e. When will bins be ordered, when will service begin etc. The hauler awarded the contract will have the burden of providing all education on the trash pick-up process. Information on how to sign up, opt out, levels of service available, guidelines for containers, bags and any information involved in the execution of implementing the new service are the responsibility of the trash hauler. Plans for when carts will be ordered and distributed must also be communicated to the public. Usually trash haulers need three months to gather necessary bins and provide information to residents. In the past, this has been accomplished by 1 – 3 direct mailings sent to each residential address in the township. November 18, 2019 for review and comment.

Services commence **Monday, March 2, 2020**. From the announcement of the successful bidder, the township will have approximately six months to get the process underway. People will have time to arrange with their current trash hauler how to transition to incoming service.

Comments: Residents do not want to pay for their current service in advance and risk not getting their money back. Most residents do not have a written, signed, contract with the trash hauler. Residents can prorate bills so they do not overpay for service.

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They are also concerned with the possibility of not liking the new bid winner. Prosecutor Paul said residents should come to meetings and voice their opinion. Being part of the process allows concerned constituents to express opinions on various trash hauler and make suggestions.

Beth will return the bid bonds with a “Dear John” letter to unsuccessful bidders, and other haulers in the community will receive a cease and desist letter. Residents questioned what would happen if their current provider quit when the competition bid went through. In Montville, the successful bidder (Kimble) stepped right in to help people stranded by their current provider. Prosecutor Paul stated the successful bidder wants your business, they will take care of the transition period because they want to encourage a good relationship going forward.

Dave Hull questioned how many opted out for Montville? Less than 5 %. What percentage of Montville was not paying their trash bill. They will not know until the trash hauler has a year of service in. After last meeting he had submitted questions wanting to know if the township received any money for recycling? No. Prices of hauling can be adjusted up or down for residents depending on market conditions. If we look at Bid Form 3 on page 35 it tells how markets may change and pricing would need to be adjusted. The contractor has complete control over collection. Waste Disposal all goes to Medina County Solid Waste. District Transfer Station. Included in the bid documents is an adjustment formula for the price of trash hauling to go up or down depending on current market rates for dump fees and fuel costs. Recycling Processing also fluctuates. Page 36 has the request for formula explanation of calculation of revenue/expense for previous year.

Evelyn Kiner stated many people were not aware of what the trustees were doing in regard to the trash hauler bid. It is her understanding that they are supposed to represent the entire township. How can they represent the township? She does not get the Gazette, and there is only a tiny blub in there stating when the meeting is held and for what purpose. She does not tell us how to spend money from the taxes; she does not want the township to tell her how to spend her money on trash. She uses Republic with small trashcans and containers, enabling her to load her vehicle with trash and drive it down to the street. She is concerned she would not be able to work with a large container and get it to the road, dealing with weather conditions and health constraints. Elderly constituents cannot lift big containers and take them down long driveways. Republic does not care if there are 3 bags or 15 bags. If we do not pick C. Martin, then we are not supporting a local business. She resents the implication that the township is trying to control her spending decisions. Will the Trustees tell us where we have to shop next? She respectfully requests that the township not jeopardize trash pick-ups for old folks. The community is not aware of what is happening in the township.

Prosecutor Paul pointed out on page 17, section and 5.10, and on page 18 the levels of Curbside collection are described, and bag service is an option. There is also a medical pick up available with proper documentation from a Dr. There are different levels of service to select, and one does not have to choose to participate with a large cart. There are other options. She can still choose a level of service that allows bags, thus enabling her to load her vehicle and drive trash to end of drive. Bags must be purchased from contractor if that is the level of service chosen. He

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also stated that all the ORC statute requires of the township in regard to meetings is that the information is published in a paper of general circulation. That has been fulfilled.

If a resident does not want service, does not opt out, and did not use any service (no garbage collected but they are billed anyhow), what legal recourse is available? The township collection is done by the provider on behalf of the township. Delinquents are certified to the township, the township certifies to the prosecutor and a lien is placed on resident.

Those wishing to opt out must opt out every year. There are only 5% of residents (95 households) permitted to opt out of service. People move in and out of residences so needs may change on a yearly basis. The length of the contract is for 5 years with 3 1-year renewals permitted.

One constituent stated “I am not going to take no garbage service I don’t like. I am not going to pay for no garbage. You guys don’t have no right to tell me who’s going to pick up my garbage and I’m going to pay them when I don’t want it.” Refused to provide name when requested giving the following reason. “Why does it matter, you guys are going to do what you want anyway.”

Section 5 deals with vacant houses, houses for sale for extended periods of time. Unoccupied or vacant homes can suspend for an indefinite time.

Current bid proposal allows for 90 days suspension of trash contract if residents will be out of town. Kathy Kunkler wants to be able to opt out for more than 90 days She is retired and would like more freedom in schedule service. Prosecutor Paul reported the period of time for service suspension is a policy decision and adjustable by trustees. Trustees agreed to 120 days suspension. Kathy also was not able to find information on the website about the meeting. After some exploring, it was discovered a mobile phone needs to be turned to reveal more of the website, and the upcoming events listing. Trustee Zieja stated he would work harder to get the information on the website.

Dave Hull asked if the trustees accept the bid, do residents have 30 days to file a petition to put it on the ballot? No, when the waste district was formed the residents could have asked for a referendum at that time. Under the statute, the Trustees have the ability to contract with a trash hauler based on the formation of the District.

Trustee Zieja offered to tabulate the opt-out requests as they come in. He has a plan to formulate information right into a spreadsheet. Beth stated some people might not have the right to opt out if it is a zoning issue, with current violations. Trustees can refuse to allow someone to opt out.

Trustee Monroe made the motion to adjourn, second by Trustee Zieja. Roll: Zieja, yes; Monroe, yes; Pavlick, yes. Meeting adjourned 6:30pm.

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William Pavlick, Chairman

Margaret Russell, Fiscal Officer